

Sister Antonia O'Donahue of Dallas, Dallas County.

The Secretary of the Senate further informed the Journal Clerk that the Senate had refused to confirm the following nomination by the Governor:

To be a Member of the State Board of Education, term expiring January 1, 1949:

M. A. Childers, San Antonio, Bexar County, Texas.

In Legislative Session

The President called the Senate to order as in legislative session at 12:25 o'clock p. m.

Senate Concurrent Resolution 34

On motion of Senator Cotten, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 34, Authorizing J. H. Reagan to sue the State.

The President laid the resolution before the Senate, it was read second time and was adopted.

Adjournment

Senator Vick moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FORTIETH DAY

(Wednesday, March 24, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present. Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Fain, Formby, Kelley, Lemens, and Spears were granted leaves of absence for today on account of official business, on motion of Senator Metcalfe.

Senator Bullock was granted leave of absence for today on account of illness, on motion of Senator Mauritz.

Senator Chadick was granted leave of absence for today on account of important business, on motion of Senator Beck.

Reports of Standing Committees

Senator Weinert submitted the following reports:

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 428, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 430, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 298, have had the same under consideration, and I am in-

structed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 72, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 270, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 247, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

(President pro tempore Mauritz in the Chair.)

Senator Vick submitted the following report:

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 184, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass with Committee amendment and be printed.

VICK, Chairman.

House Bill 10 on Passage to Third Reading

Senator Vick, by unanimous consent, called from the table, on its passage to third reading (the bill having been read second time and tabled subject to call on March 18, 1943):

H. B. No. 10, A bill to be entitled "An Act to amend Section 5 of H. B. No. 18, Chapter 400, Acts of the Forty-fourth Legislature, First Called Session, 1935, as amended by Section 1 of Article XIX of H. B. No. 8, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, by eliminating from said Section that particular exemption clause reading: 'wholesale and/or retail lumber and building material businesses engaged exclusively in the sale of lumber and building material,' and adding to said Section an exemption of any wholesale and/or retail lumber and/or building material place of business, provided as such as seventy-five (75) per cent of the gross proceeds of the business done at such place of business is derived from the sale of lumber and/or building material; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its passage to third reading.

Senator Vick offered the following amendment to the bill:

Amend the caption to H. B. No. 10, by inserting the following between the last word in line 37 and the first word in line 38:

"and providing that gas and/or electric utilities shall not hereafter be required to pay any tax or fee under this Act for the privilege of operation in towns of three thousand population or less, according to the next preceding Federal Census, a store or stores for the purpose of selling gas and/or electric appliances and/or parts for the repair thereof, provided as much as seventy-five per cent of the total gross receipts in each such town where such a store or stores are located is derived from the sale therein of gas and/or electric service, and provided further that for the privilege of operating a store or stores in towns of more than three thousand population, according to the next preceding Federal Census, for the purpose of selling any or all of the above named commodities, gas and/or elec-

tric utilities shall pay the tax or fee imposed by Section 2 and 5a only of this Act."

The amendment was adopted.

The bill was passed to third reading.

House Bill 10 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	

Absent

Beck	York
Lanning	

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York
Moffett	

Nays—3

Aikin	Lanning
Beck	

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

(President in the Chair.)

Reports of Standing Committee

Senator Graves, by unanimous consent, submitted the following reports:

Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred S. B. No. 262, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Committee Room,
Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 43, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

GRAVES, Chairman.

House Bill 368 Re-referred

On motion of Senator Graves, H. B. No. 368 was re-referred from the Committee on Counties to the Committee on State Affairs.

Message from the Governor

The following message was received and was read to the Senate:

Austin, Texas,
March 24, 1943.

To the Senate of the Forty-eighth Legislature:

In compliance with S. C. R. No. 35, I am returning herewith S. B. No. 237.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 23, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 36, Granting permission to the American National Bank to sue the State.

H. C. R. No. 73, Instructing Enrolling Clerk to make correction in H. B. No. 635.

H. C. R. No. 74, Instructing Enrolling Clerk to make certain correction in H. B. No. 79.

H. J. R. No. 8, Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas, by adding thereto Section 51e, providing that cities and towns in this State shall have power and authority to provide a system of retirement and disability pensions for its employees, provided, however, that no pension system shall be set up in any city until it has been approved at an election by the qualified voters entitled to vote on the question of issuance of tax supported bonds.

H. J. R. No. 20, Proposing an amendment to the Constitution of the State of Texas so as to provide for an annual meeting of the Legislature.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 73

On motion of Senator Metcalfe, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 73, Authorizing correction in enrolled copy of H. B. No. 635.

The President laid the resolution before the Senate, and it was read and adopted.

House Bill 100 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 100, A bill to be entitled "An Act promulgating a statement of public policy; defining terms used in the Act; prescribing duties of labor unions; requiring the filing of certain information under oath with the Secretary of State; making the reports available to certain people; enacting regulations with reference to

election of officers of labor unions; prohibiting financial contributions to political parties or candidates for office; releasing members who are serving in the armed forces from payment of back dues and assessments; requiring organizers to register with the Secretary of State and providing for the carrying of cards; requiring the filing of certain labor union agreements; making same available to certain parties; providing the statute of frauds is in no way vitiated; making it unlawful to make charges in excess of reasonable requirements; providing funds to remain under control of labor union members; enacting provisions relative to advance fees; making it unlawful for any labor union to require fees as a work permit; providing for the keeping of books of accounts; providing for use of such records in legal proceedings; providing certain rights of members; providing a penalty; providing for enforcement of the Act by civil procedure; making it the duty of certain officials of the State to enforce the Act; providing for liberal construction of the Act; providing a saving clause; and declaring an emergency."

The bill was read second time.

Senator Stone offered the following amendment to the bill:

Amend H. B. No. 100 by adding a new Section to be appropriately numbered and placed to read as follows:

"The provisions of this Act shall not apply to labor unions, as herein defined, composed entirely of employees of railroad companies engaged in handling interstate commerce."

STONE,
LOVELADY,
MORRIS,
BECK,
BROWNLEE,
GRAVES.

Senator Ramsey raised the following point of order on the amendment:

I raise the following point of order to the Stone amendment:

It violates the Constitution of the State of Texas in that it seeks to create an unreasonable classification and a classification not related to the Act and the purposes of the Act.

RAMSEY.

Senator Ramsey also raised the point of order that the amendment is not germane to the original purposes of the bill.

The President ruled as follows on the points of order:

"The amendment offered by Senator Stone seeks to create an unreasonable classification and defeats the purpose of the bill. Because of this fact, and in light of precedents requiring that the fundamental purpose of an amendment be germane to the fundamental purpose of the bill to which it is offered, the Chair sustains the point of order."

Senator Stone appealed from the ruling of the Chair, and the appeal was duly seconded.

President pro tempore Mauritz was called to the Chair pending the appeal.

Question—Shall the ruling of the Chair be sustained?

The Senate sustained the ruling of the Chair by the following vote:

Yeas—11

Aikin	Ramsey
Lanning	Shivers
Martin	Weinert
Mauritz	Winfield
Moffett	York
Moore	

Nays—10

Beck	Lane
Cotten	Lovelady
Graves	Morris
Hazlewood	Stone
Jones	Vick

Present—Not Voting

Brownlee	Sulak
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Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

Paired

Senator Metcalfe (present), who would vote "nay" with Senator Bullock (absent), who would vote "yea."

(President in the Chair.)

Senator Hazlewood offered the following amendment to the bill:

Amend H. B. No. 100 by striking everything below the enacting clause

and substituting in lieu thereof the following:

"Section 1. The words and terms hereafter defined, as used in this Act, shall have the meaning herein stated, except where the context of the Act shows that the same are used in some other sense or meaning; (a) the words 'Secretary of State' shall mean the Secretary of State of the State of Texas; (b) 'labor union' shall mean every association, group, union, lodge, local, branch or subordinate organization of any union of working men, incorporated or unincorporated, organized and existing for the purpose of protecting themselves, and improving their working conditions, wages, or employment relationships in any manner, but shall not include associations or organizations not commonly regarded as labor unions; (c) 'labor organizer' shall mean any person who for a pecuniary or financial consideration solicits membership in a labor union or members for a labor union.

"Sec. 2. Officers. All officers of such labor union shall be elected by majority vote of the members present and participating; provided, however, that labor unions, if they so desire, may require more than a majority vote for election of any officer and may take any such vote of the entire membership by mailed ballots. Such election shall be held at least once each year, and the determination taken by secret ballot, of which election the membership shall be given at least seven (7) days' notice by written or printed notice mailed to the member's last known address, or by posting notice of such election in a place public to the membership, or by announcement at a regular stated meeting of the union, whichever is most convenient to the union. The result of such election when held shall be ascertained and declared by the president and the secretary at the time in the presence of the members or delegates participating.

Provided, the requirement for annual elections herein made, or the methods of holding same, shall not apply to any labor union that for ten (4) years prior to the effective date of the law shall have held its elections for officers, delegates and the like representatives less frequently than annually but which have held such elections either every three (3) years or every four (4) years under

their constitution, bylaws, or other organization rules, and which unions have during such ten (10) years charged not more than Fifteen (\$15) Dollars initiation fee to members.

"Sec. 3. It shall be unlawful for any alien or any person convicted of a felony charge to serve as an officer or official of a labor union or as a labor organizer as defined in this Act. This Section shall not apply to a person who may have been convicted of a felony and whose rights of citizenship shall have been fully restored.

"Sec. 4. Organizers. All paid labor union organizers operating in the State of Texas shall be required to file with the Secretary of State, before soliciting any members for his organization, a written request by United States mail or shall apply in person for an organizer's card, stating (a) his name in full; (b) his labor union affiliations, if any; (c) describing his credentials and attaching thereto a copy thereof, which application shall be signed by him. Upon such applications being filed, the Secretary of State shall issue to the applicant a card on which shall appear the following: (1) the applicant's name; (2) his union affiliation; (3) a space for his personal signature; (4) a designation, 'labor organizer'; and (5) the signature of the Secretary of State, dated and attested by his seal of office. Such organizer shall at all times, when soliciting members, carry such card, and shall exhibit the same when requested to do so by a person being so solicited for membership.

"Sec. 5. Any employee who is a member of any union, who, because of services with the armed forces of the United States, has been unable to pay any dues, assessments, or sums levied by any union, shall not hereafter be required to make such back payments as a condition to reinstatement in good standing as a member of any union to which he belonged.

"Sec. 6. Penalties. If any labor union violates any foregoing provision of this Act, it shall be penalized civilly in a sum not exceeding One Thousand (\$1,000) Dollars for each such violation, the sum recovered as a penalty in a court of competent jurisdiction, in the name of the State, acting through an enforcement officer herein authorized. Any officer of a labor

union and any labor organizer who violates any foregoing provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be punished by a fine not to exceed Five Hundred (\$500) Dollars or by confinement in a county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

"Sec. 7. It shall be unlawful for any representative, agent or employee of any organized labor union in Texas, or, any other person whomsoever, to accept, receive or charge any dues or assessments, directly or indirectly, as initiation fees, or any charges whatsoever for admission to membership of any organized labor union in this State, any amount that is in excess of similar dues, assessments or charges that were made for 1939, 1940, and 1941. Any person who shall willfully and knowingly violate the provisions of this Section shall be guilty of misdemeanor and shall be punished by a fine of not less than \$10.00 nor more than \$100.00, and in addition thereto, may be imprisoned in jail for not less than ten (10) days nor more than sixty (60) days, or shall be punished by both such fine and imprisonment, and each such charge in excess of the maximum herein provided shall constitute a separate offense.

"Sec. 8. Any and all members of organized labor unions in Texas who shall collectively strike or cease to work where employed, where no strike or cessation of work has been authorized by the duly constituted authorities of the governing body of said union shall in all things cease to be a member or members of said union and shall lose all seniority rights theretofore held by, through and under such union membership, and all contractual rights created thereby.

"Sec. 9. It shall be unlawful for any representative, agent or employee of any labor union in Texas, or for any other person whomsoever, to willfully and knowingly induce any person to become a member of such organized labor union by any false representation as to the amount of work to be done, the permanency of the employment, or as to the nature of the work or working conditions, or to falsely represent any material fact or facts concerning the future employ-

ment of the person whose membership to such union is being sought. Any person violating the provisions of this Section of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Ten (\$10) Dollars nor more than One Hundred (\$100.00) Dollars or may be confined in jail for not less than ten (10) days nor more than sixty (60) days or by both such fine and imprisonment.

"Sec. 10. Separability Clause with Respect to Constitutional Invalidity. If any Section or part whatsoever of this Act shall be held to be invalid, as in contravention of the Constitution, such invalidity shall not affect the remaining portions thereof, it being the express intention of the Legislature to enact such Act without respect to such Section or part so held to be invalid.

"Sec. 11. Emergency Clause. Because of the fact that there now exists no law imposing the duties herein devolved upon labor unions, or in anywise dealing with the evils herein sought to be remedied, and the urgent need of such legislation, the which is here found, and the further fact of misconduct or irregularities of officials or representatives of organized labor groups and the charging of duplicate or exorbitant initiation fees for membership in said organized groups is of great importance to the State of Texas and to the people thereof, and the further fact that some organizers of labor are making false and fraudulent representations to nonunion men concerning employment and working conditions for the purpose of inducing such persons to become members of the union and thereby collect exorbitant fees for union membership, and the further fact that certain persons are ceasing work without authority from the unions to which they belong and through which they work creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House should be suspended, and the constitutional rule requiring bills to go into effect ninety (90) days from and after their passage, be and the same are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Senator Aikin raised the point of order that the amendment is not germane to the original purposes of the bill.

The President sustained the point of order.

Senator Hazlewood appealed from the ruling of the Chair, and the appeal was not seconded by ten Members of the Senate.

Senator Morris offered the following amendment to the bill:

Amend H. B. No. 100, Section 8, page 8, line 4, by adding at the end of the word "union," the following:

"Provided that it shall be unlawful for any labor organizer, union official or officer, or member of a labor union, or their agents to collect any fee for the privilege to work or as a permit to work in excess of \$25.00."

Senator Hazlewood offered the following amendment to the amendment:

Amend Morris amendment by striking the figures "\$25.00" wherever same appears therein, and inserting in lieu thereof the figures "\$10.00."

HAZLEWOOD,
SULAK.

The amendment to the amendment was adopted.

Senator Ramsey moved to table the amendment (as amended).

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—10

Aikin	Ramsey
Lanning	Shivers
Martin	Weinert
Mauritz	Winfield
Moore	York

Nays—13

Beck	Lovelady
Brownlee	Moffett
Cotten	Morris
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	

Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

Paired

Senator Metcalfe (present), who would vote "nay" with Senator Bullock (absent), who would vote "yea."

Senator Aikin asked unanimous consent to amend the amendment by changing the fee named therein to "\$5.00."

There was objection to the request.

Question—Shall the amendment of Senator Morris (as amended) be adopted?

House Bill 430 on Second Reading

On motion of Senator Lane, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 430, A bill to be entitled "An Act to amend Subsection 12 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, so as to change the time and terms of holding the 12th District Court in Grimes, Walker, Leon, Trinity, and Madison Counties, constituting the Twelfth Judicial District of Texas; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 430 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 430 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

House Concurrent Resolution 74

On motion of Senator Shivers, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 74, Authorizing correction of enrolled copy of H. B. No. 79.

The President laid the resolution before the Senate, and it was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 20, A bill to be entitled "An Act repealing H. B. No. 153, Acts of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

(With amendment)

S. B. No. 134, A bill to be entitled "An Act to amend Article 5736c of Chapter 287, H. B. No. 419, Acts of the Regular Session of the Forty-second Legislature so as to provide for greater punishment and penalties for

violation; etc.; and declaring an emergency."

(With amendment)

The House has adopted the Conference Committee report on H. B. No. 197 by vote of 105 yeas, 0 nays.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

**Report of Conference Committee on
House Bill 197**

Senator Lovelady submitted the following report:

Austin, Texas,
March 24, 1943.

Speaker of the House,
President of the Senate.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on H. B. No. 197, have had the same under consideration, and beg leave to recommend that H. B. No. 197 be passed in the form hereto attached.

Respectfully submitted,

LOVELADY,
MOFFETT,
LANE,
BROWNLEE,
BECK,

On the part of the Senate;

BRAWNER,
GOODMAN,
RAMSEY,
HARRIS,
SHARPE,

On the part of the House.

By Sharpe.

H. B. No. 197

**A BILL
To Be Entitled**

"An Act to amend Section 18, Chapter 41, Acts of the First Called Session of the Fortieth Legislature, as amended by Section 2, H. B. No. 614, Acts of the Regular Session of the Forty-sixth Legislature, as amended by Section 1, H. B. No. 974, Chapter 564, Acts of the Regular Session of the Forty-seventh Legislature, as amended by Section 1, H. B. No. 624, Chapter 525, Acts of the Regular Session of the Forty-seventh Legislature, so as to provide for uniform fees to be charged for the issuance of delayed birth and death certificates by the Probate Court, clerk thereof, and the State Registrar; and to provide that any citizen of Texas wish-

ing to file the record of any birth or death occurring inside the State of Texas not previously registered, may submit such record to the Probate Court in the county where such birth or death occurred; to provide any citizen of the State of Texas wishing to file the record of any birth or death occurring outside the State of Texas not previously registered may submit such record to the Probate Court in the county where he resides; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 18, Chapter 41, page 118, Acts of the First Called Session of the Fortieth Legislature, as amended by Section 2, H. B. No. 614, Acts of the Regular Session of the Forty-sixth Legislature, as amended by Section 1, H. B. No. 974, Chapter 564, Acts of the Regular Session of the Forty-seventh Legislature, as amended by Section 1, H. B. No. 624, Chapter 525, Acts of the Regular Session of the Forty-seventh Legislature, is hereby amended so as to hereafter read as follows:

"Sec. 18. Blanks and registration forms. That the State Department of Health shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this Act, and each city and incorporated town shall print and supply its local registrar, and each county shall print and supply the County Clerk with permanent record books, in forms approved by the State Registrar, for the recording of all births and deaths occurring within their respective jurisdictions. The State Registrar shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other forms shall be used than those approved by the State Department of Health. He shall carefully examine the certificates received monthly from the local registrars, and if such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, or undertakers, and all other persons,

having knowledge of the facts, are hereby required to supply, upon a form provided by the State Department of Health, or upon the original certificate, such information as they may possess regarding any birth or death, upon demand of the State Registrar in person, by mail, or through the local registrar; provided, that no certificate of birth or death, after its acceptance for registration by the local registrar, and no other record made in pursuance of this Act shall be altered or changed in any regard otherwise than by the amendments properly dated, signed and witnessed. The State Registrar shall further arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive index of all births and deaths registered; and said index to be arranged alphabetically, in the case of deaths, by the name of decedents, and in the case of births, by the names of fathers and mothers. He shall inform all registrars what diseases are to be considered infectious, contagious, or communicable, and dangerous to the public health, as decided by the State Department of Health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread. If any cemetery company or association, or any church or historical society or association, or any other company, society or association, or any individual, is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of this State, such company, society, association, or individual, may file such record, or a duly authenticated transcript, thereof with the State Registrar, and it shall be the duty of the State Registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the State Department of Health may prescribe. If any person desires a transcript of any record in accordance herewith, the State Registrar shall furnish same upon application, together with a certificate that it is a true copy of such record, as filed

in his office, and for his services in so furnishing such transcript and certificate he shall be entitled to a fee of Ten (10c) Cents per folio, Fifty (50c) Cents per hour or fraction of an hour necessarily consumed in making such transcript, and to a fee of Twenty-five (25c) Cents for the certificate, which fees shall be paid by the applicant provided, that before the issuance of any such transcript, the Registrar shall be satisfied that the applicant is properly entitled thereto, and that it is to be used only for legitimate purposes.

"And providing further that any citizen of the State of Texas wishing to file the record of any birth or death, not previously registered may submit to the Probate Court in the county where the birth or death occurred, a record of that birth or death, written on the adopted forms of birth or death certificates; and provided further, that any citizen of the State of Texas wishing to file the record of any birth or death that occurred outside the State of Texas, not previously registered, may submit to the Probate Court in the county where he resides a record of that birth or death written on the adopted forms of birth and death certificates. The certificate shall be substantial by the affidavit of the medical attendant present at the time of the birth, or in case of death, the affidavit of the physician last in attendance upon the deceased, or the undertaker who buried the body. When the affidavit of the medical attendant or undertaker cannot be secured, the certificate shall be supported by the affidavit of some person who was acquainted with the facts surrounding the birth or death, at the time the birth or death occurred, with a second affidavit of some person who is acquainted with the facts surrounding the birth or death and who is not related to the individual by blood or marriage. Provided, however, that when application is made, as provided in this paragraph, a fee of One (\$1.00) Dollar shall be collected by the Probate Court, Fifty (50c) Cents of which shall be retained by the court, and Fifty (50c) Cents of which shall be retained by the clerk of the county court for recording said birth or death certificate. If the affidavit hereinbefore mentioned of some person acquainted with the facts at the

time of the birth or death cannot be secured, then the county judge shall order a trial of the issue as to the applicant's birth and hear the evidence of such witnesses and consider such documents relating thereto as may be available including testimony regarding the family history, and after such hearing if the court concludes that it has been established beyond a reasonable doubt that the applicant was born within the United States, and at the time and place stated in the certificate, he shall enter judgment finding such facts relating to the applicant which judgment shall be accepted in lieu of the affidavit mentioned above, and sufficient, and shall order the State Registrar to accept the certificate of the applicant's birth. The fee for this hearing shall be the same as those set out in Articles 3925, and Articles 3930 Revised Civil Statutes of Texas, 1925, as heretofore amended. Within seven (7) days after the certificate has been accepted and ordered filed by the Probate Court, the clerk of that court shall forward the certificate to the State Bureau of Vital Statistics with an order from the court to the State Registrar that the certificate be accepted. The State Registrar is authorized to accept the certificate when verified in the above manner, and shall issue certified copies such records as provided for in Section 21 of this Act. Certified copies of said birth or death certified shall be issued by either the county clerk or the State Registrar and fee for said certified copy of shall be Fifty (50c) Cents. Such certified copies shall be prima facie evidence in all courts and places of the facts stated thereon. The State Bureau of Vital Statistics shall furnish the forms upon which such records are filed, and no other form shall be used for that purpose; provided further, that at the end of each month the county clerk's of the State of Texas shall forward to the State Bureau of Vital Statistics an itemized list of all certified copies made and delivered during said month of any birth or death certificate."

"Sec. 18a. No prescribed form for recording birth certificates shall indicate that any birth recorded or certified was illegitimate."

Sec. 2. The fact that the affidavits previously required place such a great

hardship on many citizens of this State, and the further fact that it is desirable for the Probate Court to require information and evidence as necessary to establish the citizenship of the individual filing the certificates when the Affidavits are not obtainable, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

Senator Lovelady moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled resolutions:

H. C. R. No. 71, Requesting that H. B. No. 635 be returned for further consideration.

H. C. R. No. 73, Instructing Enrolling Clerk to make correction in H. B. No. 635.

Senate Bill 20 with House Amendments

Senator Moore called S. B. No. 20 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Sen-

ate, and the House amendments were read.

On motion of Senator Moore, the Senate concurred in the House amendments.

House Joint Resolutions Referred

H. J. R. No. 8 and H. J. R. No. 20, received from the House today, were laid before the Senate, read first time, and referred to the Committee on Constitutional Amendments.

House Concurrent Resolution Referred

H. C. R. No. 36, received from the House today, was read and referred to the Committee on State Affairs.

Recess

Senator Stone moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Moore moved that the Senate recess to 2:30 o'clock p. m. today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Hazlewood	Metcalf
Jones	Morris
Lane	Stone
Martin	Sulak
Mauritz	Vick

Nays—14

Aikin	Moffett
Beck	Moore
Brownlee	Ramsey
Cotten	Shivers
Graves	Weinert
Lanning	Winfield
Lovelady	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Question next recurring on the motion to recess, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—13

Aikin	Brownlee
Beck	Lanning

Lovelady	Shivers
Mauritz	Weinert
Moffett	Winfield
Moore	York
Ramsey	

Nays—11

Cotten	Metcalf
Graves	Morris
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Martin	

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The Senate, accordingly, at 12:30 o'clock p. m., took recess to 2:30 o'clock p. m. today.

Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

Reports of Standing Committee

Senator Winfield, by unanimous consent, submitted at this time the following reports:

Committee Room,
Austin, Texas,
March 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred H. B. No. 331, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WINFIELD, Chairman.

Committee Room,
Austin, Texas,
March 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred S. B. No. 275, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Committee Room,
Austin, Texas,
March 24, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on Public Lands and Land Office to whom was referred H. B. No. 61, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

House Bill 100 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 100, further regulating labor unions, on its passage to third reading, with amendment by Senator Morris pending.

Question—Shall the amendment (as amended) be adopted?

Pending consideration of the amendment, President pro tempore Mauritz occupied the Chair temporarily.

(President in the Chair.)

The amendment (as amended) was adopted by the following vote:

Yeas—13

Beck	Lovelady
Brownlee	Moffett
Cotten	Morris
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	

Nays—10

Aikin	Ramsey
Lanning	Shivers
Martin	Weinert
Mauritz	Winfield
Moore	York

Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

Paired

Senator Metcalfe (present), who would vote "yea" with Senator Bullock (absent), who would vote "nay."

Senator Moore offered the following amendment to the bill:

Amend Section 8 of the bill as amended by striking out the words "in excess of Ten (\$10) Dollars."

Senator Aikin offered the following amendment to the amendment:

Amend pending amendment by adding after the word "dollars," the following:

"And no charge shall ever be made nor shall any fee ever be collected for the privilege to work in this State."

The amendment to the amendment was adopted.

Senator Stone offered the following amendment to the amendment:

Amend the pending amendment to H. B. No. 100 by adding at the end thereof the following:

"Provided, however, this shall not prevent the collection of reasonable initiation fees as provided in this Act."

The amendment to the amendment was adopted.

Question recurring on the amendment (as amended), yeas and nays were demanded.

The amendment (as amended) was adopted by the following vote:

Yeas—24

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Senator Ramsey offered the following amendment to the bill:

Amend H. B. No. 100, Section 4, paragraph 2, line 3, by striking "ten (10) years," and inserting in lieu thereof "four (4) years," and striking "Fifteen (\$15) Dollars," and inserting in lieu thereof "Ten (\$10) Dollars" in line 2 on page 5.

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 100 by adding after the word "by," and in front of the word "the"; where they appear in line 8, Section 10 of the mimeographed bill the following: "and within."

MARTIN,
MOORE.

The amendment was adopted.

Senator Stone offered the following amendment to the bill:

Amend H. B. No. 100 by striking out of Section 3 thereof the following:

"together with an itemized list of all expenditures, with names of recipients and purposes therefor."

And by inserting in lieu thereof the following:

"together with a statement showing the total expenditures made."

Senator Ramsey moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14

Aikin	Moffett
Beck	Moore
Brownlee	Ramsey
Lanning	Shivers
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Nays—9

Cotten	Morris
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	

Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

Paired

Senator Metcalfe (present), who would vote "nay" with Senator Bullock (absent), who would vote "yea."

The bill then was passed to third reading by the following vote:

Yeas—17

Aikin	Moore
Beck	Morris
Brownlee	Ramsey
Lane	Shivers
Lanning	Sulak
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Moffett	

Nays—6

Cotten	Jones
Graves	Stone
Hazlewood	Vick

Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

Paired

Senator Metcalfe (present), who would vote "nay" with Senator Bullock (absent), who would vote "yea."

Motion to Place House Bill 100 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 100 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—17

Aikin	Moore
Beck	Morris
Brownlee	Ramsey
Lane	Shivers
Lanning	Sulak
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Moffett	

Nays—6

Cotten	Jones
Graves	Stone
Hazlewood	Vick

Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

Paired

Senator Metcalfe (present), who would vote "nay" with Senator Bullock (absent), who would vote "yea."

Senate Concurrent Resolution '36

Senator Moore, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 36, Inviting Honorable Herbert C. Hoover to address a joint session of the Legislature.

Whereas, Honorable Herbert C. Hoover, the only living Ex-President of these United States will shortly be in Texas; and

Whereas, The Legislature of the State of Texas would feel itself honored if the Honorable Herbert C. Hoover would address a joint session of the Legislature; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That we invite the Honorable Herbert C. Hoover to address a joint session of the House and Senate at a date and time convenient to him and upon such subject or subjects that he may choose; and be it further

Resolved, That the Lieutenant Governor and the Speaker of the House each appoint a committee of five to extend this invitation and to make the necessary and proper arrangements if such can be done.

MOORE,
SHIVERS,
WINFIELD,
WEINERT,
RAMSEY.

The resolution was read, and on motion of Senator Moore and by unanimous consent, it was considered immediately.

The resolution was adopted.

Adjournment

Senator Shivers moved that the Senate adjourn to 4:55 o'clock p. m. today.

Senator Cotten moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Cotten, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—14

Beck	Lanning
Brownlee	Metcalfe
Cotten	Moffett
Graves	Morris
Hazlewood	Stone
Jones	Sulak
Lane	Vick

Nays—10

Aikin	Ramsey
Lovelady	Shivers
Martin	Weinert
Mauritz	Winfield
Moore	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The Senate, accordingly, at 4:55 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FORTY-FIRST DAY

(Thursday, March 25, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.